

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EZZIAL WILLIAMS,

Plaintiff,

-against-

DAVID FRYERMUTH,

Defendant.

23-CV-2156 (PMH)

ORDER OF SERVICE

PHILIP M. HALPERN, United States District Judge:

Ezzial Williams (“Plaintiff”), proceeding *pro se* and *in forma pauperis* and currently incarcerated at Orange County Jail, brings this action under 42 U.S.C. § 1983, alleging that Defendant violated his rights. Plaintiff asserts claims under the Ninth and Fourteenth Amendments.

DISCUSSION

A. Service on Defendant

The Court issued a *Valentin* Order on April 12, 2023, directing the Orange County Attorney to ascertain a service address for David Fryermuth (“Defendant”). (Doc. 7). On June 9, 2023, the Orange County Department of Law filed a response to the *Valentin* Order and stated that it would be representing Defendant and will accept service of process on behalf of Defendant. (Doc. 8). To allow Plaintiff to effect service on Defendant, through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”). The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendant. If the Complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service). Plaintiff

must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is instructed to issue a summons, complete the USM-285 forms with the addresses for Defendant David Freyermuth, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail: (1) a copy of this Order of Service and the Complaint to the Orange County Department of Law at 255-275 Main Street, Goshen, NY 10924; and (2) an information package to Plaintiff.

SO ORDERED.

Dated: White Plains, New York
June 12, 2023

A handwritten signature in black ink, appearing to read 'PHM', is written over a horizontal line.

PHILIP M. HALPERN
United States District Judge

DEFENDANT AND SERVICE ADDRESS

1. David Fryermuth
Attn: Carol C. Pierce, Deputy County Attorney
Orange County Department of Law
255-275 Main Street
Goshen, NY 10924